

Submitted by
Tina Dupont

Health Care Nullification Act

A reading of the Constitution through the original understanding of the Founders and Ratifiers makes it quite clear that any national health care plan, or national public option, is not something that was delegated by the People to the Federal Government in the Constitution.

However, the courts, politicians and many commentators have interpreted (and re-interpreted) the Commerce Clause, the general Welfare Clause and Necessary and Proper Clause in ways not intended by the Founders so as to justify such programs under the Constitution. They are most certainly wrong.

The Health Care Nullification Act declares that "the federal law known as the "Patient Protection and Affordable Care Act," signed by President Barack Obama on March 23, 2010, is not authorized by the Constitution of the United States and violates its true meaning and intent as given by the Founders and Ratifiers, and is hereby declared to be invalid, shall not be recognized, is specifically rejected, and shall be considered null and void and of no effect."

An Act to render null and void certain unconstitutional laws enacted by the Congress of the United States, taking control over the health insurance industry and mandating that individuals purchase health insurance under threat of penalty.

SECTION 1. The legislature of the State of _____ finds that:

1. The People of the several states comprising the United States of America created the federal government to be their agent for certain enumerated purposes, and nothing more.
2. The Tenth Amendment to the United States Constitution defines the total scope of federal power as being that which has been delegated by the people of the several states to the federal government, and all power not delegated to the federal government in the Constitution of the United States is reserved to the states respectively, or to the people themselves.
3. The assumption of power that the federal government has made by enacting the "Patient Protection and Affordable Care Act" interferes with the right of the People of the State of _____ to regulate health care as they see fit, and makes a mockery of James Madison's assurance in Federalist #45 that the "powers delegated" to the Federal Government are "few and defined", while those of the States are "numerous and indefinite."

SECTION 2. NEW LAW

A new section of law to be codified in the [STATE] Statutes as Section [NUMBER] of Title [NUMBER], unless there is created a duplication in numbering, reads as follows:

- A. The Legislature of the State of _____ declares that the federal law known as the "Patient Protection and Affordable Care Act," signed by President Barack Obama on March 23,

2010, is not authorized by the Constitution of the United States and violates its true meaning and intent as given by the Founders and Ratifiers, and is hereby declared to be invalid in this state, shall not be recognized by this state, is specifically rejected by this state, and shall be considered null and void and of no effect in this state.

B. It shall be the duty of the legislature of this State to adopt and enact any and all measures as may be necessary to prevent the enforcement of the "Patient Protection and Affordable Care Act" within the limits of this State.

C. Any official, agent, or employee of the United States government or any employee of a corporation providing services to the United States government that enforces or attempts to enforce an act, order, law, statute, rule or regulation of the government of the United States in violation of this act shall be guilty of a felony and upon conviction must be punished by a fine not exceeding five thousand dollars (\$5,000.00), or a term of imprisonment not exceeding five (5) years, or both.

D. Any public officer or employee of the State of _____ that enforces or attempts to enforce an act, order, law, statute, rule or regulation of the government of the United States in violation of this act shall be guilty of a misdemeanor punishable by imprisonment in the county jail not exceeding two (2) years or by a fine not exceeding One Thousand Dollars (\$1,000.00) or both such fine and imprisonment.

E. Any aggrieved party shall also have a private action against any person violating the provisions of subsections (C) or (D).

SECTION 3. This act takes effect upon approval by the Governor.

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ALEC Says 'No' to Obamacare Exchanges, 'Yes' to Health Compact

By JACK MCHUGH | 10/19/2011 12:00 PM

At the annual meeting of the American Legislative Exchange Council in New Orleans last week, the organization's Health and Human Services Task Force voted to adopt the "no Obamacare exchange" resolution posted here as model legislation for state legislatures. The key statement of the resolution says this: "(I)t is not in the best interest of the state for any state official to participate in planning or establishing health insurance exchanges as provided for in the federal Patient Protection and Affordable Care Act."

ALEC is a center-right organization comprised of state legislators and others, whose main activity is to draft model legislation. The organization describes its mission as "to advance the Jeffersonian principles of free markets, limited government, federalism, and individual liberty." The National Conference of State Legislatures is ALEC's center-left counterpart.

The ALEC task force also voted to adopt as a model a multi-state Health Care Compact that if approved by Congress would allow states to opt-out of Obamacare's provisions, and also block-grant to member states all the federal Medicaid and Medicare dollars now spent in the state. Four states — Texas, Georgia, Oklahoma, and Missouri — have already adopted the compact. Legislation to make Michigan the fifth — House Bill 4693 introduced by Rep. Tom McMillin, R-Rochester — is currently pending before the Michigan House Health Policy Committee.

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See also:

**Michigan Creeps Closer to Obamacare 'Exchange'**

**Health Care Compact Shifts Choices from D.C. to Michigan**  
**"Obamacare Does Not Apply Here"**

Tag: Health Care

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